I. Amendments to the Claims

This listing of claims replaces without prejudice all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of ~~determining~~ estimating currently available additional uplink transmit power for a subscriber station having a radio that includes foldback circuitry, said method comprising:

maintaining at a base station ~~an estimate of the~~ a stored value for allowable maximum ~~available~~ uplink transmit power ~~of a~~ for said subscriber station ~~having a radio including foldback circuitry and maintaining that estimate at said base station, said method comprising:~~ ;

transmitting a foldback event message from said subscriber station to said base station whenever an incident of foldback occurs at said subscriber station;

decreasing ~~the maintained estimate of said maximum uplink transmit power of said subscriber station at said base station~~ said stored value when said base station receives ~~said~~ a foldback event message from said subscriber station; ~~and~~

increasing said ~~maintained estimate at said base station~~ stored value when a ~~predefined period~~ predetermined interval of time has lapsed ~~after~~ without said base station ~~received said~~ receiving a further foldback event message from said subscriber station; and

subtracting transmit power reported by said subscriber station from said stored value when an estimate of the additional uplink transmit power currently available to said subscriber station is required.

2. (Currently Amended) The method of claim 1, wherein said base station increases said ~~maintained estimate~~ stored value in increments of substantially 1 dBm.

3. (Currently Amended) The method of claim 1, wherein said base station decreases said ~~maintained estimate~~ stored value in increments of substantially 1 dBm.

4. (Currently Amended) The method of claim 1, wherein said predetermined ~~length~~ interval of time is substantially 30 minutes.

5. (Currently Amended) The method of claim 1, wherein said incident of foldback includes said radio

experiencing a preselected number of consecutive frames that have been subject to foldback.

6. (Currently Amended) The method of claim 1, wherein said incident of foldback includes said subscriber station having a foldback duty cycle of more than [[10%]] a predetermined amount over a predetermined period of time.

7. (Currently Amended) The method of claim 1 wherein said message includes an indication of the ~~degree~~ intensity of foldback imposed at said subscriber station and said base station decreases said ~~maintained estimate proportionally~~ stored value by an amount proportional to the ~~degree~~ intensity of foldback.

8. (Currently Amended) A system for transmitting data comprising:

a plurality of subscriber stations each having a radio that includes foldback circuitry and each operable to transmit a foldback event message ~~indicating~~ whenever an incident of foldback occurs ~~in said subscriber station~~; and

a base station operable to receive foldback event messages and to maintain ~~an estimate of the~~ a stored value for allowable maximum ~~available~~ uplink transmit power for

each said subscriber station ~~and to receive any said messages from said plurality of subscriber stations and to reduce said maintained estimate for each said subscriber station which has sent any said message~~, said base station decreasing said stored value for a subscriber station when the base station receives a foldback event message from said subscriber station and increasing said stored value for said subscriber station when a predetermined interval of time has lapsed without said base station receiving a further foldback event message from said subscriber station,

said base station being configured to estimate additional uplink transmit power currently available to said subscriber station by subtracting current transmit power reported by said subscriber station from said stored value for said subscriber station.

9. (Currently Amended) The system of claim 8, wherein said base station adjusts ~~the maximum uplink transmit power~~ stored value in increments of substantially 1 dBm.

10. (Currently Amended) The system of claim 8, wherein said base station increases ~~the maximum uplink transmit power of~~ said stored value for said subscriber station after a predetermined ~~period~~ interval of time has

lapsed ~~since~~ without receiving ~~said~~ a further foldback event message ~~indicating any incidents of foldback in said radio~~ from said subscriber station.

11. (Currently Amended) The system of claim 10, wherein said predetermined period of time is substantially 30 minutes.

12. (Currently Amended) The system of claim 8, wherein said incident of foldback includes said radio experiencing ~~foldback over~~ a preselected number of consecutive frames that have been subject to foldback.

13. (Currently Amended) The system of claim 8, wherein said incident of foldback includes said subscriber station having a foldback duty cycle of more than a predetermined amount over a predetermined period of time.

Claim 14. (Cancelled)

15. (Currently Amended) A system for transmitting data comprising:

at least one subscriber station operable to transmit data at a plurality of different data rates, said at

least one subscriber station further having a radio that includes foldback circuitry and operable to transmit a foldback event message ~~indicating~~ whenever an incident of foldback occurs in said at least one subscriber station; and

a base station operable, upon receiving said foldback event message, to reduce the data rate for said at least one subscriber station.

16. (Original) A subscriber station having a radio including foldback circuitry and operable to transmit a message indicating any incidents of foldback in said radio to a base station.

17. (Original) The subscriber station of claim 16, wherein an incident of foldback includes said radio experiencing foldback over a predefined number of consecutive frames.

18. (Original) The subscriber station of claim 16, wherein said incident of foldback includes said subscriber having a foldback duty cycle of more than a predetermined amount.

19. (Original) A subscriber station having a radio with foldback circuitry, said subscriber station operable to transmit data at a plurality of different data rates, and said subscriber station further operable transmit data at a lower data rate from said plurality of different data rates after experiencing foldback in said foldback circuitry.

20. (Original) A base station operable to receive messages from a remote subscriber station and further operable to adjust an estimate of ~~the maximum~~ currently available additional uplink transmit power maintained for said subscriber station upon receiving a message indicating an incident of foldback in the radio of said subscriber station.

21. (Currently Amended) The base station of claim 20, wherein said base station adjusts the estimate of maximum available uplink transmit power in increments of substantially 1 dB.

22. (Currently Amended) The base station of claim 21, wherein said base station increases the estimate of ~~maximum~~ currently available additional uplink transmit power of said subscriber station after a predetermined period of

time has lapsed since receiving a message indicating any incidents of foldback in said subscriber station.

23. (Currently Amended) The base station of claim 22, wherein said predetermined period of time is substantially 30 minutes.

24. (Currently Amended) The base station of claim 20, wherein said base station adjusts said ~~maximum~~ currently available additional uplink transmit power of said subscriber station in accordance with the method described in claim 1.

25. (Original) A base station operable to reduce the data rate of a subscriber station, upon receiving a message from said subscriber station indicating an incident of foldback in the radio of said subscriber station.

26. (Newly Presented) The method of claim 1, wherein the stored value for allowable maximum uplink transmit power is the sum of the lower of a maximum rated power output of the subscriber station and a maximum rated power output set by regulation and a stored uplink transmit power margin having a predetermined range of possible values, the stored value for allowable maximum uplink transmit power

increased or decreased by increasing or decreasing the uplink transmit power margin within the predetermined range.

27. (Newly Presented) The method of claim 26, wherein the method commences when the base station powers up and whenever another subscriber station becomes serviced by the base station by initializing the stored uplink transmit power margin to a predetermined maximum value.

28. (Newly Presented) The method of claim 26, wherein the lower of a maximum rated power output of the subscriber station and a maximum rated power output set by regulation is substantially 25 dBm, and wherein the range of possible values of the uplink transmit power margin is substantially -3 dBm to substantially 6 dBm.